

REMARKS

Claims 1-15, 16, and 17 are pending in this application.

The rejections of: (a) Claims 1-3, 9, 12, 14, and 15 under 35 U.S.C. §102(b) over Hesselgren (US 4,339,279); (b) Claims 1-3, 9, and 12-15 under 35 U.S.C. §102(b) over Lokken (US 4,664,630); (c) Claims 1-5, 8, 9, and 12-15 under 35 U.S.C. §102(a) over Muramatsu (US 2002/0013384 or EP 1166744) and under 35 U.S.C. §102(e) over Muramatsu (US 2002/0013384); and (d) Claims 7, 10, and 11 under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over Hesselgren or Lokken and Claims 6, 7, 10, and 11 under 35 U.S.C. §102(a or e) or, in the alternative, under 35 U.S.C. §103(a) over Muramatsu or Bowen, are obviated in part by amendment and traversed in part.

At the outset, Applicants note that one important problem with prior adhesion type denture adhesives is that they used alginate salts. As stated in the Description of the Conventional Art, adhesion type denture adhesives containing an alginate salt and calcium provide excellent adhesiveness, but are limited by the relatively short adhesive duration and the presence of contaminating endotoxins in the alginate salts. Accordingly, the present invention seeks to provide adhesion type denture adhesives having excellent cleaning properties and long adhesive duration while avoiding the use of an alginate salt (see page 4, lines 20-25).

With the foregoing objective in mind, Applicants have amended Claim 1 to include the limitations of previously pending Claim 16. Specifically, the claims have been amended to exclude an alginate salt from the claimed adhesive. Applicants note that none of Hesselgren, Lokken, and Muramatsu et al (US 2002/0013384 and EP 1 166 744) disclose or suggest an adhesive of the presently claimed invention in which an alginate salt is explicitly

excluded. Applicants wish to thank Examiner Egwim for recognizing this deficiency in the disclosures of Hesselgren, Lokken, and Muramatsu et al (US 2002/0013384 and EP 1 166 744) as original Claim 16 does not stand rejected over the same.

With respect to the disclosure of Bowen, this reference is discussed below and is traversed.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 1-5, 8, 9, 12, and 14-16 under 35 U.S.C. §102(a) over Bowen (US 2004/0057908), is respectfully traversed.

Applicants submit that the disclosure of Bowen et al is insufficient to support an obviousness rejection, much less an anticipation rejection. Bowen et al disclose specific oral compositions based on flavonoids and terpenoids. The Examiner cites this reference for the disclosure in paragraphs [0030] to [0032] and [0040] alleging that this reference discloses the claimed composition. Although Bowen et al appear to provide for the possibility that the components of the claimed adhesion type denture adhesive may be selected, this reference fails to disclose these components with sufficient specificity to lead the skilled artisan to the same, much less the advantages flowing therefrom (see Examples and Comparative Examples of the present application).

Notably, Bowen et al disclose that their oral compositions may contain “a number of additives, including without limitation, an abrasive agent, a gelling agent, a humectant, a cariostatic agent, a flavoring agent or sweetener, a desensitizing agent, an anti-calculus agent, a whitening agent, a surfactant, a binding agent, a preservative, an opacifying agent, a coloring agent, a buffering agent, or combinations thereof.” (see paragraph [0030]) In making this statement, Bowen et al provide no guidance as to what specific generic groups of

additives can or should be used. Moreover, in paragraphs [0031] to [0043] Bowen et al define several examples for each and every generic group of additives, again without providing any guidance as to what members can or should be used. Therefore, based on the disclosure of Bowen et al the skilled artisan would have no better idea of what combination of components to mix together than he would if he were to pick up the Merck Index. In fact, it is only when the artisan refers to the present application that he would be motivated to produce the claimed adhesion type denture adhesive or to realize the advantages associated therewith.

With respect to the advantages flowing from the claimed invention, the Examiner is referred to Table 1 on page 15 of the specification. Table 1 shows that the denture adhesives according to the present invention have an adhesion that is not effected, while maintaining excellent cleaning properties without the use of an alginate salt as compared to the denture adhesive of the Comparative Example 3. Moreover, the denture adhesives of the present invention also maintain excellent cleaning properties and adhesiveness for a long period of time. On the other hand, the denture adhesives of the Comparative Examples 1 and 2, in which either the calcium sulfate (Comparative Example 1) or the sodium carboxymethyl cellulose (Comparative Example 2) are used alone, do not form a gel, have a short adhesiveness duration, and have poor cleaning properties. Applicants submit that none of these results are disclosed or suggested in Bowen. As such, Applicants kindly ask that the Office not use their disclosure as a guidepost to piece together their invention from the considerable breadth of the disclosure of Bowen. The question that the Examiner should ask is why, absent Applicants' disclosure, would the artisan be motivated to practice the claimed invention in view of the considerable breadth of the disclosure of Bowen.

In view of the foregoing, Applicants submit that the present invention is not anticipated by or obvious in view of the disclosure of Bowen. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Finally, Applicants remind the Examiner that MPEP §821.04 states:


...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim *will* be rejoined. (*emphasis added*)

Upon a finding of allowability of the elected product claims, Applicants respectfully request rejoinder of the withdrawn process claims.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220